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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELANDIN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIOVincent David Russo

(Enter above the full name of the plaintiff in this action)

vs.

Ohio Department of Rehabilitation
and Corrections, Institutional Inspector
Wolfe, Lieutenant Brown

(Enter above the full name of the defendant(s) in this action)

CIVIL CASE NO.

4:17 CV 00284

JUDGE PEARSON

JUDGE

COMPLAINT

MAG. JUDGE BURKE

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES ☐ NO ☒

B. If your answer to A is yes, describe the lawsuit in the space below, (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket Number _____

4. Name of judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit

7. Approximate date of disposition

II. Place of Present Confinement Ohio State Penitentiary

A. Is there a prisoner grievance procedure in this institution? YES ☒ NO ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

YES ☒ NO ☐

C. If your answer is YES,

1. What steps did you take? I filed an Informal Complaint Resolution, Notification of Grievance, and an Appeal to the Chief Inspector

2. What was the result? All supervising officials of my institutional complaint found no fault.

D. If your answer is NO, explain why not

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

YES ☐ NO ☐

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of the Plaintiff Vincent David Russo

Address 878 Coitsville Hubbard Rd., Youngstown, OH 44505

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants).

B. Defendant Ohio Department of Rehabilitation's Corrections is employed as

_____ at _____

C. Additional Defendants Mr. Wolfe is Institutional Inspector

Lieutenant Brown is Lieutenant of Mail Services

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary).

I am filing this complaint pro-se against the above defendants because property in the form of mail is being thrown away without due process.

On November, 25th, 2016, I received a laminated obituary card, and single fold remembrance card from my cousin Theresa Giancola. On November, 29th, 2016, I received a birthday card from my sister Daniela Davis, and my Aunt Connie Rossi. The original cards of all above mentioned items were thrown away

(continued)

(Statement of Claim Continued)

away without proper due process.

On November, 14th, 2016, the Ohio Department of Rehabilitation and Correction, (ODRC,) released a new policy on mail procedures that is contradictory, and in one form allows mailroom staff to throw away mail that is deemed unauthorized. Specifically colored envelopes, paper, cards, such as holiday cards, birthday cards, or greeting cards, embossed envelopes, and laminated stickers are considered prohibited items. These items are to be photocopied and sent to the inmate on a blank white piece of printer paper with the inmate having no authority over what happens to the original item.

Since the enactment of this new policy mailroom staff in the Ohio State Penitentiary, (O.S.P.) have been instructed by Lieutenant Brown, Lieutenant of mailroom services in O.S.P. to throw these items away. I filed proper institutional paperwork to have this investigated by the institution inspector Mr. Wolfe, and he found no wrong with mailroom staff throwing away our mail.

Within this new policy the ODRC instructs, "Inmates shall be notified when incoming or outgoing letters are withheld in part or in full. Inmates and senders shall be notified using a Notice of Withholding form. The inmate and sender shall receive notification using a Decision on Withholding/Correspondence once a decision is made." These forms allow the inmate due process of his personal property

(5)

(Statement of Claim Continued)

by allowing the opportunity to send the property home at the inmates expense or by having it destroyed. This form is not being utilized because mailroom staff deem it to be "too much work."

This form is the inmates only right of due process when his mail is being withheld or "thrown away."

While this policy may be interpreted to allow mailroom staff to throw away "prohibited items" it also instructs mailroom staff to file proper forms when any property received in the mail is withheld from the inmate. This is my complaint. Our property, being our mail, is being improperly handled, and thrown away without inmates right of due process or consent.

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V. Relief

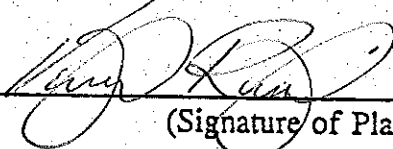
(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes).

I would ask this honorable court to grant my requested financial demand, and also to investigate and relieve the ODRC of enforcing this policy. I would also like to have my complaint judged by a jury if the courts deem it necessary.

Signed this 29th day of January, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

January, 29, 2017
(Date)


(Signature of Plaintiff)